

ORIGINAL

STATE OF INDIANA

INDIANA UTILITY REGULATORY COMMISSION

IN THE MATTER OF THE INDIANA
UTILITY REGULATORY COMMISSION'S
INVESTIGATION OF ISSUES RELATED TO
THE IMPLEMENTATION OF THE FEDERAL
COMMUNICATION COMMISSION'S
TRIENNIAL REVIEW REMAND ORDER
AND THE REMAINING PORTIONS OF THE
TRIENNIAL REVIEW ORDER

) CAUSE NO. 42857
)
) ORDER ON MOTION TO
) APPROVE
) INTERCONNECTION
) AGREEMENTS
) APPROVED: MAR 22 2007

BY THE COMMISSION:

Larry S. Landis, Commissioner

Abby R. Gray, Administrative Law Judge

On May 11, 2005, the Commission established this Cause for the consideration of matters related to implementation of those portions of the Federal Communications Commission's ("FCC") Triennial Review Order ("TRO") that had not been vacated by the D.C. Circuit Court of Appeals, and implementation of the FCC's Triennial Review Remand Order ("TRRO").

On January 11, 2006, the Commission issued an Order resolving the issues in this case and instructing parties to file within 30 days agreements consistent with the findings in the Order. This Order also provided the opportunity for non-negotiating entities to file written comments about any filed agreement within 15 days of the filing of such an agreement.

On February 10, 2006, AT&T and other parties to this case filed a Submission of Conforming Interconnection Agreement Amendment ("Conforming Agreement"), which contained an Interconnection Amendment purporting to implement the findings and conclusions of the Commission's January 11, 2006, Order. No written comments on the Conforming Agreement were submitted.

On March 8, 2006, the Commission issued its Order on Petition for Reconsideration, which provided clarification on some of the issues addressed in the Commission's January 11, 2006, Order.

On May 11, 2006, AT&T filed a Motion to Approve Amendment to Interconnection Agreement Pursuant to January 11, 2006 Order ("Motion to Approve Amendment"). In the Motion, AT&T proffered that it had provided the Conforming Agreement to all CLECs with which AT&T had an active Interconnection Agreement. AT&T further proffered that AT&T has been unable to obtain a signed copy of the Conforming Agreement from a number of CLECs. As a result, AT&T requested that the Commission issue an order deeming the Conforming Amendment to be filed and approved as to the CLECs indicated in the Motion. AT&T indicated an intention to provide, after the issuance of such an order, a copy of the Conforming

Agreement, signed by AT&T, to be filed with the Commission with a copy sent to the affected CLEC. No party filed a response to AT&T Motion to Approve Amendment.

On July 26, 2006, AT&T filed a Notice of Dismissal, which indicated AT&T's dismissal of a CLEC, Cinergy MetroNet, from its pending Motion to Approve Amendment due to the execution of a Conforming Agreement.

Based upon the applicable law and the evidence of record, the Commission now finds:

1. Jurisdiction. This Commission-initiated investigation was commenced pursuant to the Public Service Commission Act, as amended, including, but not necessarily limited to, Indiana Code 8-1-2-58, which provides:

Whenever the Commission shall believe that any rate or charge may be unreasonable or unjustly discriminatory or that any service is inadequate, or can not be obtained, or that an investigation of any matters relating to any public utility should for any reason be made, it may, on its motion, summarily investigate the same, with or without notice.

Indiana Code 8-1-2-59 further provides the Commission with authority to conduct a formal hearing of a matter it investigates.

Indiana Code 8-1-2-1 (a) defines "public utility" to include telephone companies:

"Public utility", as used in this chapter, means every corporation, company, partnership, limited liability company, individual, association of individuals, their lessees, trustees, or receivers appointed by the court, that may own, operate, manage, or control any plant or equipment within the state for the:

(1) Conveyance of telegraph or telephone messages. . . .

While this investigation was initiated under state law, we are cognizant that Sections 251(d)(3) and 261 of the federal Communications Act of 1934, as amended by the Telecommunications Act of 1996 (47 U.S.C. § 151 *et seq.*) ("Act") operate to provide some oversight of this Commission-initiated investigation by federal courts. Since our rulings and Commission orders were informed by, and contained, interpretations of federal law, such oversight ensures consistency of Commission procedures, actions, and orders with regard to interconnection and unbundling requirements found in federal law.

AT&T Indiana and the CLEC parties are public utilities and telephone companies within the meaning of the Indiana Public Service Commission Act, as amended. Accordingly, the Commission has jurisdiction over AT&T Indiana and the CLEC parties, as well as the subject

matter of this Cause, in the manner and to the extent provided by the laws of the State of Indiana and by the Act.

2. Discussion and Findings. AT&T filed a Motion to Approve Amendment to Interconnection Agreement Pursuant to January 11, 2006 Order ("Motion to Approve Amendment"). The Motion states that AT&T had provided the Conforming Agreement to all CLECs with which AT&T had an active Interconnection Agreement. The Motion also states that AT&T has been unable to obtain a signed copy of the Conforming Agreement from a number of CLECs. As a result, AT&T requests the Commission issue an order deeming the Conforming Amendment to be filed and approved as to the CLECs indicated in the Motion. No party filed a response to AT&T's Motion to Approve Amendment.

On July 26, 2006, AT&T filed a Notice of Dismissal, which indicated AT&T's dismissal of a CLEC, Cinergy MetroNet, from its pending Motion to Approve Amendment due to the execution of a Conforming Agreement.

Therefore, having reviewed the filings, the Commission now finds that AT&T's Motion to Approve Amendment is granted. AT&T is to file with the Commission a copy of the conforming agreement, signed by AT&T, customized for each CLEC listed in the Motion to Approve Amendment. The signature block in the amendment for the CLEC should remain blank. AT&T should also include with this filing, an affidavit stating that a true and accurate copy of the amendment was sent to each affected CLEC.

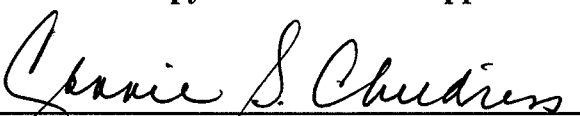
IT IS THEREFORE ORDERED BY THE INDIANA UTILITY REGULATORY COMMISSION that:

1. AT&T Indiana's Motion to Approve Amendment to Interconnection Agreement Pursuant to January 11, 2006 Order is granted.

2. This Order shall be effective on and after the date of its approval.

GOLC, LANDIS, SERVER AND ZIEGNER CONCUR; HARDY ABSENT:
APPROVED: MAR 22 2007

I hereby certify that the above is a true and correct copy of the Order as approved.


Connie S. Childress
Acting Secretary to the Commission